

To: Beal, Jeffrey[jbeal@blm.gov]
Cc: Matthew Betenson[mbetenso@blm.gov]; Cynthia Staszak[cstaszak@blm.gov]
From: Crow, Claire
Sent: 2017-02-27T19:24:39-05:00
Importance: Normal
Subject: Re: Wingate letter for review
Received: 2017-02-27T19:24:46-05:00
Wingate Letter 02272017 ccrowedit.docx

Hi all,

I took care of some grammatical and spelling edits, and also had a few questions (see comments on attached document). Because I don't know all of the facts behind this letter, I encourage you to ignore my comments if they don't make sense for this specific example. Also a few things might be local preference ("BLM" vs "the BLM", "our office" vs "my office" or "we", "the Monument" or "the monument") - these need to be standardized throughout the letter once a choice has been made.

I know my edits and comments may make getting to the final product take a little more time. I hope that you will find some value in considering them.

Thank you,

Claire

On Mon, Feb 27, 2017 at 4:01 PM, Beal, Jeffrey <jbeal@blm.gov> wrote:

Matt: I have written this letter from a broad perspective to address the recent letters of concern and support. Given there were two letters of concern and one of support it is a difficult matter to address (b)
(5)
DP
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Please edit as you see fit. I have provided the information for the three people who sent comment letters.

Eldon & Paula Swapp

Eagle Nest Ranch

6930 N Johnson Canyon Rd.

Kanab, UT 84741

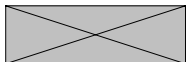
Ms. Rocel Bettencourt

6451 N. Johnson Canyon Rd.

Kanab, UT 84741

Roger F. Holland
4655 N Johnson Canyon RD
Kanab, UT 84741

Jabe Beal, Outdoor Recreation Planner
Grand Staircase - Escalante National Monument
Escalante Interagency Office
PO Box 225
Escalante, Utah 84726
(435) 826-5601 wk.



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Grand Staircase Escalante National Monument
Kanab, Utah
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To whom it may concern:

Grand Staircase Escalante National Monument (GSENM) has recently received letters expressing concerns about, (b)(5) DPP the Wingate Wilderness Therapy Program, hereafter referred to as Wingate.

Wingate is a private corporation which holds a Special Recreation Permit (SRP) to operate a field based wilderness therapy program within Grand Staircase Escalante National Monument. The area of operations is located within the Nephi Pasture, Skutumpah Terrace down to the Kitchen Canyon region of the Monument. The BLM issued this SRP in 2008 and the permit is up for renewal in 2018.

During the Christmas 2016 season, three juveniles left Wingate's program without permission. The Kane County Sheriff's department was contacted and an Everbridge alert was issued to residence in the local area. Based on this, as well as similar incidences in the past, our office has received letters of concern about Wingate's continued operation in the area. Two of the main concerns identified were public safety and the protection of private lands.

Our office has reviewed the December 2016 incident; we have discussed the issue with Wingate's Executive Director Shayne Gallagher and our Federal Law Enforcement officers. Our Law Enforcement Rangers worked closely with Kane County Sherriff's department on this incident and did not document any impacts to private property owners or the general public. Our office is aware that past incidences have impacted private property owners, and BLM is confident that the private property owner and Wingate came to a resolution amongst themselves. In addition, BLM has received second and third hand complaints that Wingate is suspected of impacting public or private lands; however BLM has not received complaints from anyone claiming to have directly seen such impacts. It is difficult for any government office to follow up on complaints without substantive information and documentation.

Our office realizes that the government system and permitted operators are not perfect. We have an obligation to serve the public while providing economic opportunities. BLM's enabling legislation comes from the Federal Lands Policy and Management Act (FLPMA). Section 102, sub sections 7 9 of FLPMA states:

(7) goals and objectives be established by law as guidelines for public land use planning, and that management be on the basis of multiple use and sustained yield unless otherwise specified by law;

(8) the public lands be managed in a manner that will protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archeological values; that, where appropriate, will preserve and protect certain public lands in their natural condition; that will provide food and habitat for fish and wildlife and domestic animals; and that will provide for outdoor recreation and human occupancy and use;

(9) the United States receive fair market value of the use of the public lands and their resources unless otherwise provided for by statute;

(b)(5) DPP

(b)(5) DPP

When the monument was established in 1996, it was set aside for its monument objects and scientific values. A small number of traditional public land uses were withdrawn, however many other traditional uses such as those covered by Special Recreation Permits remain as allowable uses on the monument. GSENM employs science in each discipline to inform management of each activity allowed on the monument. Our SRP operators, and specifically Wingate, are components of ongoing research on the monument. The monument does receive comments, complaints and voices of opposition on these types of uses, yet our office has an obligation to accept and review applications, and when appropriate allow for such uses if they are determined to not impact monument objects and values. In addition, BLM is mandated to allow the public to provide comments on proposed uses.

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Section 103.(d) of FLPMA also states:

(d) The term "public involvement" means the opportunity for participation by affected citizens in rule making, decision making, and planning with respect to the public lands, including public meetings or hearings held at locations near the affected lands, or advisory mechanisms or such other procedures as may be necessary to provide public comment in a particular instance.

Public health and safety are components that BLM must take into account when issuing Special Recreation Permits. Our office has reviewed Wingate's permit for public health and safety matters and consulted with Kane County Sheriff's Department. Our findings have not brought forth a collective issue to warrant permit modification or revocation. This does not preclude our office from meeting with concerned public or facilitating meetings with the operator so that the public can voice their concerns and bring forward design features that work for all parties.

Wingate's operation is an allowable use within the Grand Staircase-Escalante National Monument. To date, Wingate has complied with the laws and regulations that guide their use of public lands. Although SRPs are discretionary, BLM typically does not cancel a permit without cause once that permit has been issued. Wingate's permit is up for renewal in December 2018. BLM has started preliminary work on preparing for an environmental assessment which will lead to the parameters of operation outlined in their new permit. The BLM hopes you will participate in providing public comments that help define their permit.

In the interim, BLM would be happy to set up a meeting with you to discuss your concerns in detail. In addition, our office is happy to take those concerns forward to Wingate to identify solutions that will help resolve public concerns. If you would like to meet my staff in person, please contact Jabe Beal, Outdoor Recreation Planner at (435) 826 5601 or jbeal@blm.gov.

Thank you for contacting our office. My office will work with you to address your concerns.

Sincerely,

Cynthia Staszak
Monument Manager

Cc: Shayne Gallagher, Wingate Wilderness Therapy

